

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Paging Coalition Files Petition For	)	CC Docket No. 01-346
Declaratory Ruling Regarding Verizon's	)	
Proposed Termination of Type 3A	)	
Interconnection Service	)	

To: The Commission

**REPLY COMMENTS OF ARCH WIRELESS, INC.**

Arch Wireless, Inc. ("Arch"), a national provider of paging and messaging services, submits the following reply comments in support of the Petition for Declaratory Ruling filed by a group of paging carriers (the "Paging Coalition") regarding Verizon's intent to eliminate Type 3A interconnection. As Arch demonstrates in its initial comments and herein, Verizon is obligated to make Type 3A interconnection available to paging carriers.<sup>1</sup> Type 3A interconnection is a "type of interconnection," and it is also a valuable number conservation mechanism that serves the public interest. Neither the implementation of CMRS number portability nor the rise of local competition undermines Verizon's obligation in this regard.

**I. Type 3A Interconnection Is a Type of Interconnection, Not a Billing Option**

The comments received in this proceeding agree virtually unanimously with Arch that Type 3A interconnection qualifies as a "type of interconnection."<sup>2</sup> Indeed, as Arch showed in its

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<sup>1</sup> Under Section 20.11(a) of the rules, LECs must provide the "the type of interconnection reasonably requested by a mobile service licensee or carrier, within a reasonable time after the request, unless such interconnection is not technically feasible or economically reasonable." 47 C.F.R. § 20.11(a).

<sup>2</sup> Only Sprint Corporation agreed with Verizon that reverse toll billing is a discounted toll billing offering and not a form of interconnection. See Sprint comments.

comments, even NYNEX, Verizon's predecessor, described Type 3A as a form of interconnection,<sup>3</sup> and Verizon itself has negotiated Type 3A arrangements under *the interconnection rules* and memorialized these provisions in *interconnection agreements*.<sup>4</sup> Thus, Verizon cannot now claim that Type 3A is not a type of interconnection like Type 1 and Type 2.

Verizon's contention that Type 3A interconnection is simply a billing option that does not alter the physical interconnection between the Verizon and CMRS network is inaccurate.<sup>5</sup> In fact, the discontinuance of Type 3A would have an enormous impact on the physical interconnection of facilities between paging carriers and Verizon. Without Type 3A, instead of being interconnected at just one Verizon end office, paging carriers will be forced to establish separate interconnections (with separate blocks of numbers) in each local calling area. This process will entail the reconfiguration of the paging networks and the establishment of new physical interconnections between paging carriers and Verizon. Thus, if Type 3A interconnection is discontinued, the "same interconnection arrangements" will no longer be available to the paging carriers.

Verizon's reliance on the Commission's decision in *TSR Wireless*<sup>6</sup> and the Maine Commission's decision in *NEP v. Verizon Maine*<sup>7</sup> is misplaced. The pivotal issue in both of these cases was the legality of *rates* for reverse-billing arrangements.<sup>8</sup> As the Paging Coalition

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<sup>3</sup> Arch Wireless comments at 3 ("*Arch*").

<sup>4</sup> See *id.* at 4; Virginia Cellular comments at 6.

<sup>5</sup> See Verizon comments at 3, 5-8.

<sup>6</sup> *TSR Wireless v. U S West*, 15 FCC Rcd 11,166 (2000).

<sup>7</sup> *NEP, LLC v. Verizon Maine*, Presiding Officer's Recommendation, Docket No. 97-768 (Presiding Officer, ME PUC, Nov. 21, 2001); Order Denying Request to Reopen Arbitration Proceeding, Docket No. 97-768 (ME PUC Dec. 31, 2001).

<sup>8</sup> Arch comments at 4 n. 8.

recognized in its Petition, *TSR Wireless* stands for the proposition that LECs can charge CMRS carriers for wide area services under the reciprocal compensation rules.<sup>9</sup> Neither *TSR Wireless* nor *NEP* discusses the relationship of Type 3A interconnection to Section 20.11(a). Type 3A service is unquestionably a type of interconnection that Verizon is obligated to provide.

## **II. Neither Number Portability Nor Local Competition Affects Paging Carriers' Right to Choose Type 3A Interconnection**

Under Section 20.11(a) of the rules, LECs are required to provide paging carriers with “the type of interconnection reasonably requested” at any economically and technically feasible point.<sup>10</sup> Further, Section 51.305 of the rules creates the presumption that an existing interconnection arrangement is technically feasible.<sup>11</sup> Because Type 3A interconnection enjoys widespread use, there is “no question” that Type 3A interconnection is feasible, both technically and economically.<sup>12</sup>

Verizon claims that number portability will make it infeasible to offer Type 3A interconnection, because if reverse-billed numbers are ported to a carrier that does not have a reverse-billing arrangement with Verizon, Verizon will be unable to bill the caller properly for the toll charges.<sup>13</sup> This argument is invalid, however, with respect to paging carriers. Under the

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<sup>9</sup> *Paging Coalition Petition for Declaratory Ruling* at 18-19.

<sup>10</sup> *Id.* at 1; SM Telepage, Inc comments at 3 (“JSM”); *CMRS Second Report & Order*, 9 FCC Rcd at 1497-1498.

<sup>11</sup> 47 C.F.R. § 51.305; *see* Virginia Cellular comments at 7.

<sup>12</sup> *See* Virginia Cellular comments at 7; *JSM* at 3.

<sup>13</sup> Verizon comments at 4.

Commission's Rules, paging carriers are not *ever* required to implement number portability.<sup>14</sup> Therefore, the situation Verizon describes is pure "fantasy."

Similarly, Verizon's musings about the effect of local competition on the utility to paging carriers of Type 3A interconnection are simply beside the point.<sup>15</sup> Section 20.11(a) does not give Verizon the right to second-guess the type of interconnection another carrier may reasonably request. Verizon is legally obligated to provide Type 3A interconnection if the service is requested by paging carriers, provided it is technically feasible and economically reasonable. Verizon's opinions on the relative merits and durational utility of Type 3A interconnection are irrelevant and without legal effect.

### **III. Elimination of Type 3A Interconnection is Contrary to the Public Interest**

The "parade of horrors" that will result from the elimination of Type 3A interconnection are very real and not, as Verizon alleges, just the "fantasy" of the Paging Coalition or supportive commenters such as Arch.<sup>16</sup> Terminating Type 3A interconnection will have widespread and significant negative effects on both the paging industry and its customers. As the Paging Coalition has noted, the elimination of Type 3A interconnection will adversely affect in excess of 165,000 customers in the Paging Coalition's service area alone.<sup>17</sup> The impact

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<sup>14</sup> 47 CFR § 52.31 (requiring number portability deployment by "covered CMRS providers"); 47 CFR § 52.21(c) (defining "covered CMRS providers" to exclude paging carriers). Arch recognizes that Verizon might be within its rights to discontinue Type 3A interconnection to a carrier, whether paging or otherwise, that *in fact* deployed number portability, if that deployment made the interconnection arrangement technically infeasible.

<sup>15</sup> Verizon comments at 4-5.

<sup>16</sup> See Verizon comments at 8.

<sup>17</sup> See *Petition Supplement*.

on Arch will be even more substantial, as Arch has an even larger number of customers that are served by Type 3A interconnection.

In particular, paging carriers will need to assign new numbers to their customers, possibly in multiple rate centers, both confusing and inconveniencing paging customers and disrupting paging carriers' business.<sup>18</sup> This renumbering could also be a potentially monumental undertaking, placing an unnecessary strain on numbering resources. One carrier has estimated that carriers will need to reprogram up to 50% of their phones to maintain the existing land-to-mobile dialing patterns,<sup>19</sup> and another carrier has projected that CMRS units will need to be assigned 50 or 100 local exchange numbers in order to have the same statewide local calling benefits.<sup>20</sup> In order to educate customers about these changes, it will also be necessary for carriers to expand their consumer outreach programs.<sup>21</sup> These burdensome and costly changes could cause customers to blame their paging carriers and search for an alternative service—a serious problem considering the unprecedented level of competition paging carriers are currently facing from other industry segments.<sup>22</sup>

Further, 800 numbers are not a remedy, let alone a better alternative, to the termination of Type 3A service. Beyond the inconvenience of the number change, customers may have to dial additional digits (11 as opposed to 7) to make a toll-free call.<sup>23</sup> Toll free calling will also require

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<sup>18</sup> See Arch comments at 1, 6; Bobier comments at 5.

<sup>19</sup> See Virginia Cellular comments at 5.

<sup>20</sup> See Small Business Telecommunications comments at 8 (“*SBT*”).

<sup>21</sup> See Virginia Cellular comments at 5.

<sup>22</sup> See Arch comments at 8; Bobier comments at 4; *SBT* at 6.

<sup>23</sup> See Arch comments at 7; *SBT* comments at 7

routing traffic through an interexchange carrier, which will unnecessarily involve a more complicated billing structure and increase the rate of exhaust of the toll-free service codes.<sup>24</sup>

## CONCLUSION

Type 3A interconnection is more than just a billing option. It is a “type of interconnection” that paging carriers are entitled to select under Section 20.11(a) of the Commission’s rules. Paging carriers also have the sole authority to decide which type of interconnection best serves their business purposes. Moreover, both the paging industry and its customers will suffer serious adverse effects without the availability of Type 3A interconnection. Therefore, the Commission should issue a declaratory ruling requiring Verizon to continue to offer Type 3A interconnection in its current form.

Respectfully submitted,

By: /s/  
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<sup>24</sup> See Arch comments at 7.